IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION Nos: 4420, 4460, 4461, 4463, 4464, 4465, 4470, 4472, 4484 and 4486 of 2005

WRIT PETITION No.4420 of 2005

Between:

Jakkula Sambaiah S/o Jakkula Gattaiah, Business, c/o Shop No. 17-6-5, Kalyanagar, Godavarikhani, Karimnagar District.

..... PETITIONER

AND

1 Government of Andhra Pradesh. rep by Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
2 The Commissioner Ramagundam Municipaltiy Rangagundam, Karimnagar District.
3 The Station Inspector, Ramagundam Municipality.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in interfering in the business of the petitioner being run in the shop No. 17-6-5, Kalyanagar, Godavari khani Karimnagar District without due process of law, as being illegal, arbitrary and unconstitutional besides violative of the provisions of A.P. Municipalities act, 1965 and consequently direct the respondents not to dispossess the petitioner from the business premises bearing shop NO. 17-6-5, Kalyanagar, Godavarikhani

Karimnagar District.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos.2&3: MR.P.RADHAKRISHNA

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WRIT PETITION NO : 4460 of 2005

Between:

Mogiliashal Mallaiah S/o Ashal, Business, C/o Shop No. 18-6-189, Kalyanagar, Godavarikhani, Karimnagar District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep by Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
2 The Commissioner, Ramagundam Municipality, Ramagundam, Karimnagar District.
3 The Sanitation Inspector, Ramagundam Municipaltiy.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ Order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents interfering in the business of the petitioner being run in the Shop
No. 18-6-189, Kalyannagar, Godavarikhani, Karimnagar District without due process of law, as being illegal, arbitrary and unconstitutional besides violative of the provisions of A.P. Municipalities Act, 1965, and consequently direct the respondents not to dispossess the petitioner from the business premises bearing Shop No. 18-6-189, Kalyannagar, Godavarikhani, Karimnagar District.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for Respondent No.1 : GP FOR MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT

Counsel for the Respondent Nos.2&3: MR.P.RADHAKRISHNA

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WRIT PETITION NO : 4461 of 2005

Between:

Jakkula Sammaiah, S/o. Jakkula Mallaiah, Business, C/o. Shop
No. 18-6-180/4, Kalyannagar, Godavarikhani, Karimnagar District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Rep. by its Secretary,
Municipal Administration and Urban Development, Secretariat, Hyderabad.

2 The Commissioner, Ramagundam Municipality, Ramagundam, Karimnagar Distrct.

3 The Sanitation Inspector, Ramagundam Municipality,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ Order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents interfering in the business of the petitioner being run in the Shop
No. 18-6-180/4, Kalyannagar, Godavarikhani, Karimnagar District without due process of law, as being illegal, arbitrary and unconstitutional besides violative of the provisions of A.P. Municipalities Act, 1965, and consequently direct the respondents not to dispossess the petitioner from the business premises bearing Shop No. 18-6-180/4, Kalyannagar, Godavarikhani, Karimnagar District.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos.2 & 3: MR.P.RADHAKRISHNA

WRIT PETITION NO : 4463 of 2005

Between:

Jakkula Amma Ellaiah S/o. Jakkula Komaraiah, Business,
C/o. Shop.No. 18-6-172, Kalyannagar, Godavarikhani, Karimnagar District.

..... PETITIONER

AND

1 Government of Andhra Pradesh Rep. by its Secretary,
Municipal Administration and Urban Development, Secretariat, Hyderabad.

2 The Commissioner, Ramagundam Municipality,
Ramagundam, Karimnagar District.

3 The Sanitaion Inspector, Ramagundam Municipality.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ Order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents interfering in the business of

the petitioner being run in the Shop No. 18-6-186, Kalyannagar, Godavarikhani, Karimnagar District without due process of law, as being illegal, arbitrary and unconstitutional besides violative of the provisions of A.P. Municipalities Act, 1965, and consequently direct the respondents not to dispossess the petitioner from the business premises bearing Shop No. 18-6-186, Kalyannagar, Godavarikhani, Karimnagar District.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos.2 & 3: MR.P.RADHAKRISHNA

WRIT PETITION NO : 4464 of 2005

Between:

Avaula Tirupathi, S/o.Chinna Mallaiah, Business, C/o.Shop No.18-6-172, Kalyanagar Godavari khani, Karimnagar District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, represented by its Secretary, Municipal Administration and Urban Development, Secretariat, Hydrabad.
2 The Commissioner, Ramagundam Municipality, Ramgundam, Karimnagar District.
3 The Sanitation Inspector, Ramagundam Municipality.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of writ of mandamus by declaring the action of the respondents in interfering in the business of the petitioner being run in the Shop No.18-6-172, Kalyanagar, Godavarikhani, Karimnagar District without due process of law, as being illegal, arbitrary and unconstitutional besides violative of the provisions of A.P. Municipalities Act 1965 and consequently direct the respondents not to dispossess the petitioner from the business premises bearing Shop No.18-6-172, Kalyannagar, Godavarikhani Karimnagar District.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos.2&3: MR.P.RADHAKRISHNA

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WRIT PETITION NO : 4465 of 2005

Between:

Jakkula Tirupathi, S/o.Jakkula Sambaiah, Business,
C/o.Shop No.17-6-5, Kalyannagar, Godavarikhani, Karimnagar District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep.by its Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
2 The Commissioner, Ramagundam Municipality, Ramagundam, Karimnagar Dist.
3 The Sanitation Inspector, Ramagundam Municipality.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus by declaring the action of the respondents in interfering in the business of the petitioner being run in the shop No.17-6-5, Kalyannagar, Godavarikhani, Karimnagar District without due process of law, as being illegal, arbitrary and unconstitutional besides violative of the provisions of A.P. Municipalities Act, 1965, and consequently direct the respondents not to dispossess the petitioner from the business premises bearing shop No.17-6-5, Kalyannagar, Godavarikhani, Karimnagar District.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos.2&3: MR.P.RADHAKRISHNA

WRIT PETITION NO : 4470 of 2005

Between:

Avula Ramulu, s/o Chinna Mallaiah, Business,
c/o Shop No.18-5-295/1, Kalyannagar, Godavarikhani, Karimnagar District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep., by its Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.

2 The Commissioner, Ramagundam Municipality, Ramagundam, Karimnagar District.
3 The Sanitation Inspector, Ramagundam Municipality.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus by declaring the action of the respondents in interfering in the business of the petitioner being run in the Shop No.18-5-295/1, Kalyannagar, Godavarikhani, Karimnagar District without due process of law, as being illegal, arbitrary and unconstitutional besides violative of the provisions of A.P. Municipalities Act, 1965, and consequently direct the respondents not to dispossess the petitioner from the business premises bearing Shop No.18-5-295/1, Kalyannagar, Godavarikhani, Karimnagar District.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos.2&3: MR.P.RADHAKRISHNA

WRIT PETITION NO : 4472 of 2005

Between:

Jakkula Rajamallu, S/o. Mallaiah, Business, C/o. Shop No. 16-9-23, Kalyannagar, Godavarikhani, Karimnagar District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Rep. by its Secretary,
Municipal Administration and Urban Development, Secretariat, Hyderabad.
2 The Commissioner, Ramagundam Municipalaity,
Ramagundam, Karimnagar District.
3 The Sanitation Inspector, Ramagundam Municipality.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ Order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents interfering in the business of the petitioner being run in the Shop No. 18-6-191, Kalyannagar, Godavarikhani, Karimnagar District without due process of law, as being illegal, arbitrary and unconstitutional besides violative of the provisions of A.P. Municipalities Act, 1965, and consequently direct the respondents not to dispossess the petitioner from the business premises bearing Shop No. 18-6-191, Kalyannagar, Godavarikhani, Karimnagar District.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos.2 & 3: MR.P.RADHAKRISHNA

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WRIT PETITION NO : 4484 of 2005

Between:

Mogili Kadiyala Rajamallu S/o Ramulu, Business, C/o Shop
No. 16-9-23, Kalyannagar, Godavarikhani, Karimnagar District

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep by Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad
2 The Commissioner, Ramagundam Municipaltiy, Ramagundam, Karimnagar District.
3 The Sanitation Inspector, Ramagundam Municipaltiy.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ Order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents interfering in the business of the petitioner being run in the Shop No. 16-9-23, Kalyannagar, Godavarikhani, Karimnagar District without due process of law, as being illegal, arbitrary and unconstitutional besides violative of the provisions of A.P. Municipalities Act, 1965, and consequently direct the respondents not to dispossess the petitioner from the business premises bearing Shop No. 16-9-23, Kalyannagar, Godavarikhani, Karimnagar District.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos.2 & 3: MR.P.RADHAKRISHNA

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WRIT PETITION NO : 4486 of 2005

Between:

Gade Tirupathi, S/o.Rajamallu, Business, C/o.shop No.18-5-298, Kalyannagar, Godavarikhani, Karimnagar District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep.by its Secretary, Municipal Administration and Urban Development, Secretarait, Hyderabad.
2 The Commissioner, Ramagundam Municipality, Ramagundam, Karimnagar Dist.
3 The Sanitation Inspector, Ramagundam Municipality.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus, by declaring the action of the respondents in interfering in the business of the petitioner being run in the shop No.18-5-298, Kalyannagar, Godavarikhani, Karimnagar District without due process of law, as being illegal, arbitrary and unconstitutional besides violative of the provisions of A.P. Municipalities Act, 1965, and consequently direct the respondents not to dispossess the petitioner from the business premises bearing shop No.18-5-298, Kalyannagar, Godavarikhani, Karimnagar District.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos.2&3: MR.P.RADHAKRISHNA

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NOs : 4420, 4460, 4461, 4463, 4464, 4465, 4470, 4472, 4484 and 4486 of 2005

ORDER:

Petitioners in this batch of writ petitions are the licensees to run the meat shops in the Ramagundam Municipality. The licenses granted in their favour are valid up to 31.03.2005. The Municipality had constructed a modern marketing complex for vegetables and meat by incurring an expenditure of Rs.2,40,00,000/-. The grievance of the petitioners is that the respondents are insisting on them to shift to the new market complex, even while the licenses in their favour are in force. They seek appropriate directions in this regard.

Heard the learned counsel for the petitioners and the learned standing counsel for Municipality.

To improve the public amenities the Municipality constructed a modern marketing complex. Petitioners cannot insist that even after the construction of the market complex, they be permitted to conduct their business in other places of the town. One aspect, which, however, needs to be taken into account, is that the Municipality itself granted licenses to the petitioners, which are valid up to 31.03.2005. The licenses are not cancelled as yet. In that view of the matter, the petitioners cannot be disabled from conducting their business in the licensed premises. If the Municipality is of the view that the business of vending meat has to be conducted only at the marketing complex, they can very well refuse to renew or grant licenses at other places. Hardly few weeks are left for expiry of the existing licenses.

For the foregoing reasons, the writ petitions are disposed of directing that the respondents 2 and 3 shall not interfere with the business of the petitioners up to 31.03.2005. Thereafter, the petitioners shall not conduct the business in the said premises, unless their licenses are renewed. There shall be no order as to costs.

(L.NARASIMHA REDDY,J)

Date: 09-03-2005

Note: Office to issue c.c.

in two days.

(B/o.)

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To

1 The Secretary, Government of Andhra Pradesh, Municipal Administration and Urban Development, Secretariat, Hyderabad.
2 The Commissioner, Ramagundam Municipality, Ramagundam, Karimnagar District.
3 The Sanitation Inspector, Ramagundam Municipality.

4 Two C.Cs. to the Government Pleader for Municipal Administration and Urban Development, High Court of A.P., Hyderabad. (O.U.T.)

5 Two C.D. copies.